

### REMARKS

Initially, an informality in Claim 28 has been corrected.

The reason for the issuance of the mentioned Notice is that the Amendment dated October 5, 2007, does not address the rejection of Claims 3 and 28 under 35 U.S.C. § 112, first paragraph, set out in the Office Action dated July 5, 2007.

That rejection was based on the view that the specification does not provide the required support for the recitation in Claim 28 (from which Claim 3 depends) that the third, intermediate signal level is applied while the reset element is OFF. Even if the application as filed does not state in so many words that the reset element is OFF while the third signal is applied, however, Applicants submit that the disclosure contained in the application as filed makes it clear that during the application of the signal of the third level (the intermediate level), the reset element is to be OFF, as follows.

As is expressly stated in the specification as filed, the purpose of applying the signal of the third, intermediate level is to prolong the existence of the potential shown in Fig. 17D so as to permit the residual charges that have been accumulated (stored) to be moved to the floating-diffusion area (see page 15, line 16, through page 16, line 21, and page 17, line 26, through page 18, line 11). The application shows in Fig. 17A the potential that results immediately after resetting. It is noted that the MPEP states that:

'What is conventional or well known to one of ordinary skill in the art need not be disclosed in detail. See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d at 1384, 231 USPQ at 94. >See also *Capon v. Eshhar*, 418 F.3d 1349, 1357, 76 USPQ2d 1078, 1085 (Fed. Cir. 2005) ("The 'written description' requirement must be applied in the context of the particular invention and the state of the knowledge... As each field evolves, the balance also evolves between what is known and what is added by each inventive contribution.").< If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, *even if*

*every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met. [Emphasis added]* MPEP § 2163.

Applicants submit that if the reset element is turned ON, producing the potential shown in Fig. 17A, a person of ordinary skill would have understood, at the time the application was filed, that that potential makes it impossible for residual charges remaining in the photodiode area to move to the floating-diffusion area. Applicants submit that from this consideration, those of ordinary skill would understand that the reset element is OFF to permit the application of the intermediate-level signal to do what it is intended to do.

Accordingly, it is believed that the application as filed did contain adequate disclosure of the feature in question, and withdrawal of the rejection of Claims 3 and 28 under Section 112 is respectfully requested.

For these reasons it is believed that the claims as now presented are allowable, wherefore the issuance of a Notice of Allowance is solicited.

The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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